THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO. 6909 of 2000

Dated: 26-07-2005

Between:

1. Manager (Mines) Madharam Dolomite Mines, Visakhapatnam Steel Plant, Madharam, Khammam District and others.

..Petitioners.

And

1. The Hon'ble Industrial Tribunal-cum-Labour Court, Warangal,

represented by its Chairman-cum-Presiding Officer and others.

..Respondents.

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WRIT PETITION NO : 6909 of 2000

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ORDER:

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This writ petition is filed by the Manager (Mines) Madharam Dolomite Mines, Visakhapatnam Steel Plant, Madharam, Khammam District being aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court, Warangal in I. D.No.84 of 1995 dated 15-3-1999, wherein the claim of the petitioner under Section 2-A(2) of the Industrial Disputes Act was answered in his favour granting relief of fresh appointment as a Junior Trainee.

It is the case of the petitioner that the 2nd respondent/workman was appointed as a Junior Trainee in the respondents" project and was working under the control of the first petitioner herein w.e.f. 28-11-1987. While so, he submitted an attested form (Bio-data) on 27-12-1987. Against Column No.12 of the said form, as to the question whether he was involved in any criminal case or arrested etc., he has mentioned as 'No'. However, on verification, the petitioners came to know that respondent No.2 had involved in a crime punishable under Section 324 IPC. Therefore, a show cause notice was issued to the petitioner on 28-8-1989 as to why his services should not be terminated since he has suppressed the real facts as against column No. 12 of the attested form. A second show cause notice was also issued to him on 20-9-

1989 for absenting from duty for certain period. However, having not satisfied with the explanation submitted by the petitioner, the respondents appointed an Enquiry Officer to conduct an enquiry against the alleged misconduct of the workman and after completion of the enquiry, the Enquiry Officer submitted a detailed report. On the basis of the said report, the services of the petitioner were terminated on 14-2-1990. Having no other further option, the respondent No.2 filed a claim petition under Section 2-A(2) of the Industrial Disputes Act on 21-6-1995. The same was taken on file by the Industrial Tribunal-cum-Labour Court, Warangal in I.D.No.84 of 1995. The Labour Court having found that the enquiry conducted against the workman was valid and the workman was guilty of the charges, held that the punishment of termination from the services is too harsh and dis-proportionate and it is not commensurate with the gravity of mis-conduct, directed the Management to reinstate the petitioner as a Junior Assistant afresh. Hence, this writ petition.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner and supporting the award passed by the Labour Court.

I have given earnest consideration to the submissions made by the learned counsel on either side and also perused the impugned award passed by the Labour Court and other material available on record. At the outset, I am of the opinion that the Labour Court has not committed any error warranting interference by this Court under Article 226 of the Constitution of India.

Before the Labour Court, though no oral evidence was let in on either side, Ex.W-1 was marked on behalf of the workman and Exs.M-1 to M-17 were marked on behalf of the Management.

The Labour Court, after meticulously discussing each and every aspect, came to the conclusion that the domestic enquiry conducted by the Management does not suffer from any irregularity and held that the findings arrived at by the disciplinary authority holding that the workman was guilty of the charges, were just and proper. However, keeping in view of the circumstances of the case and gravity of the misconduct and workman was already exonerated after due admonition by the Judicial First Class Magistrate, Yellandu in C.C.No.36 of 1986 vide certified copy of the orders under Ex.M-16 and also keeping in view

of the reasons shown by the petitioner for his unauthorized absence by producing the medical certificates under Exs.M-4 and M-7, the Labour Court opined that the punishment of removal from service is too harsh and dis-proportionate and it is not commensurate with the gravity of the mis-conduct alleged against the petitioner and thus, while invoking the provisions under Section 11-A of the Industrial Disputes Act ordered for reinstatement of the workman as a Junior Trainee afresh. Aggrieved by the same, the Management has preferred this writ petition.

At this stage, the learned counsel for the petitioner also made a faint effort to impress upon the Court that though office of the Manager (Mines) Madharam Dolomite Mines is located at Khammam District, the Industrial Tribunal-cum-Labour Court, Warangal has no jurisdiction to adjudicate the matter, since the Principal seat of the Visakhapatnam Steel Plant is located at Visakhapatnam.

Admittedly, the jurisdiction of the Industrial Tribunal-cum-Labour Court, Warangal is also spread over to Khammam Revenue District. However, the Management did not take such a plea in their detailed counter against the claim petition filed before the Industrial Tribunal. In view of the admitted fact that the jurisdiction of the Court at Warangal is covering upto Khammam Revenue Mandal, I am of the opinion that the question as to whether the Labour Court, Warangal, has got jurisdiction, needs no consideration.

For the above said reasons, the writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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26-07-2005

sj